

## **5.0 COMPLIANCE WITH FEDERAL STATUTES, EXECUTIVE ORDERS, AND POLICIES**

### **5.1 Archeological and Historic Preservation Act and National Historic Preservation Act.**

Archival research and consultation with the State Historic Preservation Officer (SHPO) have been initiated in accordance with the National Historic Preservation Act, as amended; the Archeological and Historic Preservation Act, as amended and Executive Order 11593. SHPO consultation was initiated August 22, 2001. The project will not affect historic properties included in or eligible for inclusion in the National Register of Historic Places. At this time coordination has not been completed. The project is in partial compliance with each of these Federal laws.

### **5.2 Clean Air Act.**

The affected air-shed is not a non-compliance area. No air quality permits would be required. This Supplemental DEIS will be coordinated with concerned agencies, including the U.S. Environmental Protection Agency (EPA), other stakeholder agencies and the public, and will then be in partial compliance with Section 309 of the Act. Full compliance will be achieved after the FEIS is coordinated.

### **5.3 Clean Water Act.**

Actions under the recommended IOP plan, as well as the ISOP operations discussed in this Supplemental DEIS, did not and will not result in the release of contaminants into the aquatic environment. The ISOP plans have been coordinated with the Florida Department of Environmental Protection (DEP), and the structures are operating under an emergency exemption as discussed in the Water Quality section. A permit application is pending for the preferred alternative operations. subject to completion of this NEPA process. ISOP 2001 and

## 5.5 Federal Water Project Recreation Act; Land and Water Conservation Fund Act.

## 5.6 Fish and Wildlife Coordination Act.

A Report was prepared by the U.S. Fish and Wildlife Service and National Park Service, Everglades National Park, in compliance with this law. The Coordination Act Report (CAR) and its Addendum, provided to the Corps on August 2, 2001, are included in this Supplemental DEIS as Appendix C. The CAR discusses ISOP operations as well as the

opinion of these Department of the Interior agencies that ISOP operations may not have fully met 2000 and 2001 RPA targets, and that overflow of the S-332B weir under ISOP and some IOP alternatives may have led or lead to introduction of unacceptably high levels of nutrients into the Park, or lead to changes in dominant vegetation. A Supplement to the CAR was provided on September 28, 2001. This Supplement, which discusses the preferred alternative (Alternative 7), is reproduced in the same appendix as the CAR. Additionally, the Corps has provided a different analysis of these issues in the text of this SDEIS, based on its understanding of water quality sampling and analysis, and of model limitations and results. Further considerations are provided as a second appendix following on the FWS CAR and

### **5.8 National Environmental Policy Act.**

A Draft EIS (DEIS) for the Interim Operational Plan was coordinated with the public and agencies beginning on February 23, 2001. This SDEIS will circulate for a period of 45 days, beginning with the publication of the Notice of Availability in the Federal Register. Following the close of the public comment period, a Final EIS will be prepared and coordinated. The Plan will be in full compliance with NEPA after coordination of the FEIS and completion of the final comment period, when a Record of Decision is signed.

### **5.9 Coastal Zone Management Act.**

The SDEIS will be coordinated with the Florida Department of Community Affairs, the State clearinghouse for Coastal Zone Management Plan consistency review. The State of Florida undertakes consistency review of both Draft and Final Environmental Impact Statements. Previous coordination of the DEIS led to a determination by the Clearinghouse that the plan was consistent at that time.

### **5.10 Resource Conservation and Recovery Act and Toxic Substances Management Act.**

No items regulated under these laws or other laws related to hazardous, toxic or radioactive waste substances have been discovered. None are considered likely to exist in the project area, including the proposed second detention area at S-332B.

### **5.11 E.O. 11988. Floodplain Management.**

This Order directs Federal agencies to avoid siting projects in floodplains and to avoid inducing further development of flood-prone areas. All considered alternatives, including the no-action alternatives and preferred alternatives in the ISOP and the IOP are in compliance

### 5.13 E.O. 12898. Environmental Justice.

This Order directs Federal agencies to provide for full participation of minorities and low-income populations in the Federal decision-making process, and further directs agencies to fully disclose any adverse effects of plans and proposals on minority and low income

structures discussed herein, in addition to providing acceptable protection to populations of the CSSS, will benefit all population groups of Southern Dade County by providing flood reduction, drinking water supply protection, and restoration of the wetlands and other natural resources inside and outside Everglades National Park.

## 6.0 PUBLIC INVOLVEMENT

The various agencies, affected stakeholders, and interested members of the community were allowed opportunities to provide input during the NEPA process. A number of public and plan development workshops were held to elicit input from interested parties. Table 6.1 provides a list of announcements, interagency coordination, and public workshops conducted throughout this process. A summary of the scoping process was included in Section 1.5.

**Table 6.1 Public Involvement Summary**

Action	Location	Date
NOI published in Federal Register	NA	13 August 1999 (Volume 64, Number 156)
Scoping Letter Mailed	NA	26 October 1999
Scoping Meeting	Homestead, FL	16 November 1999
1 <sup>st</sup> Round of Modeling Posted on the Corps Website	NA	24 March 2000
Interagency Meeting	Ft. Lauderdale, FL	10 April 2000
Public Workshop	Homestead, FL	25 April 2000
2 <sup>nd</sup> Round of Modeling Posted on the Corps Website	NA	28 April 2000
Interagency Meeting	Ft. Lauderdale, FL	15 May 2000
3 <sup>rd</sup> Round of Modeling Posted on the Corps Website	NA	31 May 2000
Public Workshop	Homestead, FL	7 June 2000
Public Workshop	Homestead, FL	30 January 2001
Public Workshop	Homestead, FL	20 June 2001
Presentation to the Governing Board of the SFWMD	West Palm Beach, FL	12 July 2001
Public Workshop	Miami, FL	16 July 2001
Stakeholder Outreach	Homestead, FL	20 July 2001
Stakeholder Outreach	Jacksonville, FL	13 August 2001
Stakeholder Outreach	Ft. Lauderdale, FL	22 August 2001

## 7.0 DISTRIBUTION

A list of agencies, organizations, and private individuals that will be sent a copy of the Supplemental DEIS is attached.

## 8.0 LIST OF PREPARERS

**Table 8.1 List of Preparers**

Name	Affiliation	Role
Dr. Jon Moulding, PhD.	USACE	Document Management and Review
Ms. Barbara Cintron	USACE	Document Review
Mr. Elmer Kumbach	USACE	Document Review

## 9.0 CONCLUSIONS

The consensus Preferred Alternative meets or exceeds the 30%, 45%, and 60% targets and meets or exceeds conditions that would be produced by Test 7, Phase II operations. The recommendations provided by the FWS in their Final Coordination Act Report (CAR) (FWS 2001) were incorporated into the preferred alternative design. S-334 will be the primary route for WCA-3A regulatory flows, the S-332B retention area will be constructed and overflow will only be allowed under limited circumstances described in the Pre-storm/Storm/Storm Recovery Operations (Appendix B), a trigger was included to prevent further S-332B operations if the adjacent CSSS habitat experiences hydroperiods greater than 180 days, and lower canal stages and increased pumping will only be implemented when WCA-3A regulatory releases are through the SDCS except under circumstances described in the Pre-storm/Storm/Storm Recovery Operations. In addition, improved SFWMM and MODBRANCH hydrologic models will be used for future modeling efforts, and the Corps will use a more collaborative approach to reach consensus with other agencies on future projects. On this basis, the FWS concurs that Alternative 7, the preferred alternative, is acceptable.

## 10.0 REFERENCES

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- Shafer, Mark. September 2001. Personal communication.
- U.S. Army Corps of Engineers. 2001. Interim Operational Plan (IOP) for Protection of the Cape Sable Seaside Sparrow, Central and Southern Florida Project for Flood Control and Other Purposes, Dade County, Florida. Jacksonville District, Jacksonville, Florida.
- U.S. Army Corps of Engineers. 2000a. Final Environmental Assessment, Central and Southern Florida Project for Flood Control and Other Purposes, Interim Structural and Operational Plan (ISOP), Emergency Deviation from Test 7 of the Experimental Program of Water Deliveries to Everglades National Park for Protection of the Cape Sable Seaside Sparrow, Dade County, Florida. Jacksonville District, Jacksonville, Florida.
- U.S. Army Corps of Engineers. 2000b. Central and Southern Florida Project for Flood Control and Other Purposes, Modified Water Deliveries to Everglades National Park, Florida 8.5 Square Mile Area, General Reevaluation Report. Jacksonville, Florida.
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- U.S. Fish and Wildlife Service. 2001. Final Coordination Act Report for the Interim Operating Plan for the Protection of the Cape Sable Seaside Sparrow. Vero Beach, Florida.

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